



Paul R. LePage  
Governor

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Anne L. Head, Esq.  
Commissioner

Geraldine L. Betts  
Administrator

Maine Board of Pharmacy  
Minutes of October 6, 2016 Board Meeting

**CALL TO ORDER**

President Bruno called the meeting to order at 8:00 a.m.

**MEMBERS PRESENT**

Joseph Bruno, R.Ph., Pharmacist, President  
Donald Watson, R.Ph., Hospital Pharmacist, Vice President  
Kevin Holland, R.Ph., Complaint Officer  
Bradley Hamilton, R.Ph., Chain Pharmacist  
Shane Savage, R.Ph., Independent Pharmacist

**MEMBERS ABSENT**

Kirsten Martin, Public Member

**STAFF PRESENT**

Andrew Black, AAG, Board Attorney  
Geraldine Betts, Board Administrator  
Thomas Avery, Chief Field Investigator  
Jessica Gowell, Senior Consumer Assistant Specialist  
AJ Paradis, Planning and Research Associate I

**OLD BUSINESS**

*Review and approval of the minutes of September 1, 2016*

In a motion by Hamilton, seconded by Watson, to accept the minutes of September 1, 2016.  
Unanimously voted.

**NEW BUSINESS**

**Maine Professionals Health Program (MPHP) Alcohol and Drug Testing Systems and Procedures and MPHP OUI's Referral Policy, Lani Graham, MD, MPH, Medical Director**  
Dr. Lani Graham presented an overview of MPHP's toxicological forensic urine testing and forensic hair, nails or blood toxicology testing systems, procedures and collection specimens.

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[www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing)

[Geraldine.L.Betts@maine.gov](mailto:Geraldine.L.Betts@maine.gov)  
Direct Line: (207)624-8625  
Fax: (207)624-8666

OFFICE LOCATION: GARDINER ANNEX  
76 NORTHERN AVENUE, GARDINER, MAINE

### **Adjudicatory Hearing – Caroline Fogarty – 2016 PHA 12238**

In a motion by Watson, seconded by Hamilton, to find Caroline Fogarty in violation of 10 M.R.S. § 8003 (5-A)(A)(9). Complaint Officer Holland recused. Unanimously voted.

In a motion by Watson, seconded by Hamilton to impose the licensee sign a contract with Maine Professional Health Program (MPHP) for a period of one (1) year and to follow MPHP's recommendations for treatment and monitoring during the prescribed time frame. The licensee will be allowed to sit for the NAPLEX and MPJE examinations once she is eligible, so long as she remains enrolled in MPHP's program. Complaint Officer Holland recused. Unanimously voted.

### **Board Action on Initial Applications**

*Brian Headtko, PR46225*

In a motion by Watson, seconded by Hamilton, to accept staff's recommendation and grant licensure to Brian Headtko, PR46225, as presented. Unanimously voted.

*Jennie Burdette, PR46210*

In a motion by Watson, seconded by Hamilton, to accept staff's recommendation and grant licensure to Jennie Burdette, PR46210 upon successful completion of the NAPLEX and MPJE examinations and the terms of the second consent agreement in the matter of 2013 PHA 9336 remain in effect. Unanimously voted.

### **Correspondence**

*Caroline Fisher, Authority to Administer Injections*

The Board reviewed the correspondence requesting the Board's guidance on the current authority of pharmacists in Maine to administer long acting injectibles. The Board stated that although it considers the idea favorably, under current law a pharmacist is not authorized to perform this service.

*Update of Public Law Chapter 488 Law to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program – President Bruno*

President Bruno provided a brief update on the Maine Prescription Monitoring task force evaluating the implementation of PLC 488.

*Memo: National Association of Boards of Pharmacy (NABP) Comprehensive Addiction and Recovery Act of 2016.*

The Board reviewed the correspondence and no action was taken.

*Erin Tibbetts, ED starter pack distribution*

The Board discussed the correspondence and directs Erin Tibbetts to the Pharmacy Laws and Board Rules and to the Maine Board of Nursing for guidance on dispensing authority for a nurse.

*V&S Pharmacy closing & letter from Clifford Ginn, Esq. on behalf of Island Employee Cooperative, Inc., d/b/a V&S Pharmacy ("IEC")*

The Board reviewed the correspondence and information related to the V&S Pharmacy closing. The Board concluded that it does not have authority to accept patient records and patient profile

for storage or retention, nor may it direct any of the parties involved in this matter, which is a business related matter.

### **Administrator's Report**

Administrator Betts introduced AJ Paradis as the new Planning and Research Associate I and Pharmacist Consultant, Dianna Hack to the Board. Dianna has just concluded a review of the MPJE test questions. Recommended changes will be evaluated by NABP.

#### *Limited Delegation to the Board Administrator*

In a motion by Savage, seconded by Hamilton to authorize Limited Delegation of Authority to the Board's Administrator to Offer Consent Agreements resolving complaints involving Retail and Mail Order Pharmacies that fail to file a new application in a timely manner following a change in pharmacist in charge.

### **Request from Kristine Ossenfort, Esq., Senior Director, Government Relations for Anthem BlueCross Blue Shield for Advisory Opinion regarding Importation**

The Board considered Ms. Ossenfort's request for a ruling on foreign companies being allowed to import prescription drugs into Maine as a mail order pharmacy. No action taken at this time for lack of a specific set of facts. The Board agreed that AAG Black should work with Ms. Ossenfort on the matter.

### **Public Comments**

None

### **ADJOURN**

There being no further business Watson motioned to adjourn at 1:50 p.m. seconded by Hamilton. Unanimously voted.